IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH

S.B. Civil Writ Petition No.3344/02
Mohan Singh Vs. State & Ors.

13.03.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. S.S. Raghav for petitioner.
Mr. Inderjeet Singh for respondents.

This writ petition has been filed with the prayer that the compensation awarded to the petitioner to the tune of Rs.27,91,092/- by the Land Acquisition Officer in award dated 1.7.2000 is inadequate and therefore the respondents be directed to enhance the compensation amount suitably.

Shri Indrajeet Singh, the learned counsel for the respondents has taken the objection that the petitioner has the

alternative remedy of getting this dispute referred to the Civil Court for enhancement of the compensation under Section 18 of the Land Acquisition Act by making appropriate application to Collector.

Having heard the learned counsel for the parties and perused the material on record, I am inclined to uphold the objection raised by the learned counsel for the respondents. Whether the compensation awarded is adequate or not and further whether the compensation is required to be enhanced, will depend upon the evidence which may be required to be adduced by either of the parties before a Civil Court in a reference proceeding under Section 18 of the Land Acquisition Act. Section 18 provides for a remedy for

a dispute like this where the reference for enhancement of the compensation is required to be made to the Civil Court by Collector at the instance of the aggrieved party.

In the facts of the case while holding the petition as not maintainable, I give a liberty to the petitioner to approach the concerned Collector within four weeks by making a suitable application for getting his case referred to appropriate Civil Court under Section 18 of the Land Acquisition Act, which shall be considered by him on merits.

With these observations, the writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-